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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,457	03/24/2006	Helmut Jerg	2003P01305WOUS	2377

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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN, NC 28562

EXAMINER
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RIGGLEMAN, JASON PAUL

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,457	<b>Applicant(s)</b> JERG, HELMUT	
	<b>Examiner</b> JASON P. RIGGLEMAN	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant's reply, filed 4/21/2009, have been received. Current pending claims are 11-20.
20. Claims 1-10 are cancelled. Claims 11, 14, and 17-19 are amended.

### ***Response to Arguments***

2. Applicant's arguments filed 4/21/2009 have been fully considered but they are not persuasive. The applicant argues that Miller et al. does not teach that the connection between the comminution device and circulatory pump is such that the device is temporarily driven by the pump. The applicant argues that the pump and device of Miller et al. are permanently engaged and thus not "temporarily driven". The applicant further argues that the connection between the comminution device remains operatively engaged with the drive extension. Examiner notes that the applicant has amended the claim to read "temporarily driven" from "at least temporarily driven"; however, this appears to be vague claim language. What structural feature is being claimed by "temporarily driven"? It can only be assumed that the comminution device is driven by the circulatory pump; therefore, the Miller et al. rejection is maintained. The features of detaching couplings, etc. are not claimed in claim 10, as drafted. Further, the applicant argues that Miller et al. does not teach that the connection is broken "as desired" between the pump and drive coupling. Examiner states, Miller et al. states "the second end 258b is designed to detachably couple with a drive extension 260", paragraph [0023]. Examiner states, the detachable coupling teaches the limitations of a connection and disconnection of the axial in engagement with the pump; therefore, the applicant's arguments are not understood. The rejections are maintained.

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3. Claims 17-20 are allowed since claims 17 and 19 have been made independent. The specification objection is withdrawn in view of the amendment. The drawing objections and claim objection are withdrawn in view of the amendment to the specification. The 112, second paragraph, rejection of claim 12 in regards to the term “safety-clutch” is maintained since the applicant’s arguments state that a clutch is “a coupling used to connect and disconnect a driving and driven part” but fails to show how what appears to be an axle-seat can be construed in such a manner.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “safety-clutch” in claim 12 is used by the claim to mean “clutch”, while the accepted meaning is “axle-seat.” The term is indefinite because the specification does not clearly redefine the term.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (EP 1057445).

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7. Miller et al. teaches a dishwasher having a washing container for receiving items. A circulatory pump circulates a rinsing liquid into the container. A comminution device (blade 254) is connected with, and effected by, the pump such that the pump drives the comminution device, Fig. 3. A safety-friction clutch (connection of drive shaft second end 258b with extension 260 by engaging teeth) is taught wherein the drive coupling between the comminution device and pump is made by the clutch, paragraph [0023]. The comminution device and pump are interconnected such that drive coupling is either axially displaceable, by a distance of tolerance, T. The connecting shaft is axially displaceable into engagement with the pump such that the coupling is broke as desired by means of axially displacement of the shaft out of engagement with the pump, paragraph [0024]. The “chopping assembly can connect directly to the impeller 230” therefore, the connecting shaft between the comminution device and pump is selectively couplable to the hub of the impeller of the pump, paragraph [0024].

***Allowable Subject Matter***

8. Claims 17-20 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: the electromagnetic or shape memory alloy coupling regulator which actuates axial displacement of the blade is not suggested or taught by the prior art -- in combination with the other claimed features.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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